REMARKS

In the final Office Action, the Examiner rejects claims 1-3, 5, 10-16, 18, 31, 38-43, 45, 58, and 65 under 35 U.S.C. § 102(e) as anticipated by BUYUKKOC et al. (U.S. Patent No. 6,463,062); rejects claims 4, 17, and 44 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of NOAKE et al. (U.S. Patent No. 6,751,222); rejects claims 6-9, 19-21, 23, 25, 46-48, 50, and 52 are rejected under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of CHRISTIE et al. (U.S. Patent No. 6,690,656); rejects claims 7, 22, and 49 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of FARRIS et al. (U.S. Patent No. 6,154,445); rejects claims 27-29 and 54-56 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of KOBAYASHI et al. (U.S. Patent No. 5,896,371); rejects claims 30 and 57 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of SMITH et al. (U.S. Patent No. 6,222,823); rejects claims 32-37 and 59-64 under 35 U.S.C. § 103(a) as unpatentable over BUYUKKOC et al. in view of KILKKI et al. (U.S. Patent No. 6,041,039); and objects to claims 24, 26, 51, and 53 as allowable if rewritten in independent form.

Applicants note with appreciation the indication that claims 24, 26, 51, and 53 would be allowable if rewritten into independent form to include all the features of the base claim and any intervening claims.

By the present amendment, Applicants propose canceling claims 51-53 without prejudice or disclaimer and amending claims 1, 14, 39, and 50 to improve form. No new matter has been added by way of the present amendment. Claims 1-50 and 54-81 would remain pending upon entry of the present amendment. Applicants respectfully traverse the outstanding rejections

under 35 U.S.C. §§ 102 and 103 with respect to the claims, as currently presented.[1]

Claims 1-3, 5, 10-16, 18, 31, 38-43, 45, 58, and 65 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by BUYUKKOC et al. Applicants respectfully traverse this rejection with respect to the claims, as currently presented.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. BUYUKKOC et al. does not disclose or suggest the combination of features recited in claims 1-3, 5, 10-16, 18, 31, 38-43, 45, 58, and 65.

For example, amended independent claim 1 is directed to an intelligent policy server method in an Asynchronous Transfer Mode (ATM) network having an ingress switch and an egress switch, wherein said ingress switch serves an ingress device operated by a calling party and said egress switch serves an egress device operated by a called party. The method includes receiving, in said ingress switch, a signaling message from said ingress device; providing said signaling message to a signaling intercept processor associated with said ingress switch; propagating said signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, each policy profile of the at least one policy profile being associated with a subscriber; determining in said policy server, based at least in part on said signaling message, if a particular policy feature of the plurality of policy

[1] As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

features is to be invoked; if so, determining whether a policy condition associated with said particular policy feature is satisfied with respect to said signaling message; and establishing a connection path between said ingress switch and said egress switch based on said determination that said policy condition is satisfied by said signaling message. BUYUKKOC et al. does not disclose or suggest this combination of features.

For example, BUYUKKOC et al. does not disclose or suggest propagating a signaling message to a policy server, where the policy server includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber. The Examiner relies on BUYUKKOC et al.'s routing status database (RSD) server 730 as corresponding to the recited policy server (final Office Action, pp. 3, 14, and 15).

BUYUKKOC et al. discloses that the RSD server 730 contains some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic (see, for example, col. 14, lines 9-25). BUYUKKOC et al. does not disclose or suggest, however, that RSD server 730 includes at least one policy profile associated with a plurality of policy features, and where each policy profile of the at least one policy profile is associated with a subscriber, as required by amended claim 1. In fact, as evident from BUYUKKOC et al.'s Tables VII-IX, RSD server 730 stores

information regarding the status of links and routes in ATM network 20, which is not associated with a subscriber.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by BUYUKKOC et al.

Claims 2, 3, 5, and 10-13 depend from claim 1. Therefore, these claims are not anticipated by BUYUKKOC et al. for at least the reasons given above with respect to claim 1.[2] Moreover, these claims recite additional features not disclosed or suggested by BUYUKKOC et al.

For example, claim 10 recites that the particular policy feature comprises a maximum burst size limit feature. The Examiner relies on col. 14, lines 15-65, of BUYUKKOC et al. for allegedly disclosing this feature (final Office Action, pp. 5 and 19). Applicants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

At col. 14, lines 15-65, BUYUKKOC et al. discloses that the RSD server contains some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic. This section of BUYUKKOC et al. also discloses that an α-link status table includes a link identifier, information identifying a current usage of the link, congestion thresholds for the link,

[2] As Applicants' remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicants' silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicants to the Examiner's assertions as to these claims, and Applicants reserve the right to analyze and dispute such assertions in the future.

and a status of the link. This section of BUYUKKOC et al. in no way discloses or suggests determining if a particular policy feature is to be invoked, where the particular policy feature comprises a maximum burst size limit feature, as required by claim 10. In fact, this section of BUYUKKOC et al. does not disclose or suggest invoking any type of feature.

Further with respect to the above feature of claim 10, the Examiner alleges "it is also well known in the art the SCP or policy server stores policy/rule which contains specific policies/rules regarding the request/signaling message and determining according to a specific policy/rule based on associated or corresponding specific policy/rule as disclosed by the following prior arts" and points to sections of U.S. Patent No. 6,516,350 to LUMELSKY et al., U.S. Patent No. 6,141,410 to GINZBOORG, U.S. Patent No. 6,661,882 to MUIR et al., and U.S. Patent No. 6,754,322 to BUSHNELL (final Office Action, pg. 19). Applicants submit that the Examiner's allegation in no way addresses the fact that BUYUKKOC et al. does not disclose or suggest determining if a particular policy feature is to be invoked, where the particular policy feature comprises a maximum burst size limit feature, as required by claim 10.

If the Examiner intends to allege that the above feature of claim 10 is an inherent part of the BUYUKKOC et al. disclosure, Applicants remind the Examiner that M.P.E.P. § 2112 requires the Examiner, when relying on the theory of inherency, to provide "a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). The Examiner has not provided the necessary showing articulated in M.P.E.P. § 2112 to support the inherency assertion. That is, the Examiner does not explain why one skilled in the art would reasonably construe the

BUYUKKOC et al. disclosure to inherently include determining if a particular policy feature is to be invoked, where the particular policy feature comprises a maximum burst size limit feature when BUYUKKOC et al. does not disclose or suggest a policy feature that comprises a maximum burst size limit feature.

For at least these additional reasons, Applicants submit that claim 10 is not anticipated by BUYUKKOC et al.

Claim 13 recites that the particular policy feature comprises a maximum concurrent call limit feature. The Examiner relies on col. 14, lines 15-65, of BUYUKKOC et al. for allegedly disclosing this feature (final Office Action, pp. 5 and 19). Applicants respectfully disagree with the Examiner's interpretation of BUYUKKOC et al.

At col. 14, lines 15-65, BUYUKKOC et al. discloses that the RSD server contains some or all of the following information for each (source, destination) pair: connectivity information regarding the set of routes that can be used to interconnect the source and destination; information about alternate routes; information on the capacity of each route in the network; status of all of the routes in the network; and the data needed to manage routing features responsible for distributing load to multiple physical destinations based on some rule or logic. This section of BUYUKKOC et al. also discloses that an α-link status table includes a link identifier, information identifying a current usage of the link, congestion thresholds for the link, and a status of the link. This section of BUYUKKOC et al. in no way discloses or suggests determining if a particular policy feature is to be invoked, where the particular policy feature comprises a maximum concurrent call limit feature, as required by claim 13. In fact, this section of BUYUKKOC et al. does not disclose or suggest invoking any type of feature.

Further with respect to the above feature of claim 13, the Examiner alleges "it is also well known in the art the SCP or policy server stores policy/rule which contains specific policies/rules regarding the request/signaling message and determining according to a specific policy/rule based on associated or corresponding specific policy/rule as disclosed by the following prior arts" and points to sections of U.S. Patent No. 6,516,350 to LUMELSKY et al., U.S. Patent No. 6,141,410 to GINZBOORG, U.S. Patent No. 6,661,882 to MUIR et al., and U.S. Patent No. 6,754,322 to BUSHNELL (final Office Action, pg. 19). Applicants submit that the Examiner's allegation in no way addresses the fact that BUYUKKOC et al. does not disclose or suggest determining if a particular policy feature is to be invoked, where the particular policy feature comprises a maximum concurrent call limit feature, as required by claim 13.

If the Examiner intends to allege that the above feature of claim 13 is an inherent part of the BUYUKKOC et al. disclosure, Applicants remind the Examiner that M.P.E.P. § 2112 requires the Examiner, when relying on the theory of inherency, to provide "a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." Ex parte Levy, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). The Examiner has not provided the necessary showing articulated in M.P.E.P. § 2112 to support the inherency assertion. That is, the Examiner does not explain why one skilled in the art would reasonably construe the BUYUKKOC et al. disclosure to inherently include determining if a particular policy feature is to be invoked, where the particular policy feature comprises a maximum concurrent call limit feature when BUYUKKOC et al. does not disclose or suggest a policy feature that comprises a maximum concurrent call limit feature.

For at least these additional reasons, Applicants submit that claim 13 is not anticipated by BUYUKKOC et al.

Amended independent claim 14 recites features similar to (yet possibly of different scope than) features described above with respect to claim 1. Therefore, Applicants submit that claim 14 is not anticipated by BUYUKKOC et al. for at least reasons similar to reasons given above with respect to claim 1.

Claims 15, 16, 18, 31, and 38 depend from claim 14. Therefore, these claims are not anticipated by BUYUKKOC et al. for at least the reasons given above with respect to claim 14. Moreover, these claims recite additional features not disclosed or suggested by BUYUKKOC et al.

For example, claim 38 recites features similar to (yet possibly of different scope than) features recited above with respect to claim 13. Therefore, this claim is not anticipated by BUYUKKOC et al. for at least reasons similar to reasons given above with respect to claim 13.

Amended independent claim 39 is directed to a computer-readable medium operable with an asynchronous Transfer Mode (ATM) network node, where the computer-readable medium carries a sequence of instructions provided for executing service logic which, when executed by a processing entity associated with said ATM network node, causes the ATM network node to perform a method comprising upon receiving in said ATM network node a signaling message with respect to a call from a party, propagating said signaling message to a policy server operably associated with said ATM network node; and upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to said signaling message, effectuating a treatment for said call based on said particular policy feature, the

particular policy feature including at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers. BUYUKKOC et al. does not disclose or suggest this combination of features.

For example, BUYUKKOC et al. does not disclose or suggest upon determining that a policy condition associated with a particular policy feature to be invoked is satisfied with respect to said signaling message, effectuating a treatment for said call based on said particular policy feature, the particular policy feature including at least one of a destination address screening feature for a group of subscribers to which the party belongs or a source address screening feature for the group of subscribers. These features are similar to features recited in previously pending claims 51 and 53, which the Examiner indicates contain allowable subject matter. Accordingly, Applicants respectfully submit that claim 39 is in condition for immediate allowance.

Claims 40-43, 45, 58, and 65 depend from claim 39. Therefore, these claims are also in condition for immediate allowance for at least the reasons given above with respect to claim 39.

Claims 4, 17, and 44 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of NOAKE et al. Applicants respectfully traverse this rejection.

Claim 4 depends from claim 1. The disclosure of NOAKE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 1. Therefore, claim 4 is patentable over BUYUKKOC et al. and NOAKE et al., whether taken

alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Claim 17 depends from claim 14. The disclosure of NOAKE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 14. Therefore, claim 17 is patentable over BUYUKKOC et al. and NOAKE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14.

Claim 44 depends from claim 39. The disclosure of NOAKE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 39. Therefore, claim 44 is patentable over BUYUKKOC et al. and NOAKE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39.

Claims 6, 8, 9, 19-21, 23, 25, 46-48, 50, and 52 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of CHRISTIE et al. Applicants propose canceling claim 52 herein, thereby rendering the rejection of that claim moot. Applicants respectfully traverse the rejection of the remaining claims.

Claims 6, 8, and 9 depend from claim 1. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 1. Therefore, claims 6, 8, and 9 are patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Claims 19-21, 23, and 25 depend from claim 14. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 14. Therefore, claims 19-21, 23, and 25 are patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14.

Claims 46-48 and 50 depend from claim 39. The disclosure of CHRISTIE et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 39. Therefore, claims 46-48 and 50 are patentable over BUYUKKOC et al. and CHRISTIE et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39.

Claims 7, 22, and 49 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of FARRIS et al. Applicants respectfully traverse this rejection.

Claim 7 depends from claim 1. The disclosure of FARRIS et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 1. Therefore, claim 7 is patentable over BUYUKKOC et al. and FARRIS et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Claim 22 depends from claim 14. The disclosure of FARRIS et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 14. Therefore, claim 22 is patentable over BUYUKKOC et al. and FARRIS et al., whether taken

alone or in any reasonable combination, for at least the reasons given above with respect to claim 14.

Claim 49 depends from claim 39. The disclosure of FARRIS et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 39. Therefore, claim 49 is patentable over BUYUKKOC et al. and FARRIS et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39.

Claims 27-29 and 54-56 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of KOBAYASHI et al. Applicants respectfully traverse this rejection.

Claims 27-29 depend from claim 14. The disclosure of KOBAYASHI et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 14. Therefore, claims 27-29 are patentable over BUYUKKOC et al. and KOBAYASHI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14.

Claims 54-56 depend from claim 39. The disclosure of KOBAYASHI et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 39. Therefore, claims 54-56 are patentable over BUYUKKOC et al. and KOBAYASHI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39.

Claims 30 and 57 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of SMITH et al. Applicants respectfully traverse this rejection.

Claim 30 depends from claim 14. The disclosure of SMITH et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 14. Therefore, claim 30 is patentable over BUYUKKOC et al. and SMITH et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14.

Claim 57 depends from claim 39. The disclosure of SMITH et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 39. Therefore, claim 57 is patentable over BUYUKKOC et al. and SMITH et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39.

Claims 32-37 and 59-64 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BUYUKKOC et al. in view of KALKKI et al. Applicants respectfully traverse this rejection.

Claims 32-37 depend indirectly from claim 14. The disclosure of KALKKI et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 14. Therefore, claims 32-37 are patentable over BUYUKKOC et al. and KALKKI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 14.

Claims 59-64 depend from claim 39. The disclosure of KALKKI et al. does not remedy the deficiencies in the disclosure of BUYUKKOC et al. set forth above with respect to claim 39. Therefore, claims 59-64 are patentable over BUYUKKOC et al. and KALKKI et al., whether

taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims. Applicants respectfully request that the present amendment be entered because the present amendment places the application in condition for allowance.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

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